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H.16

Introduced by Representatives Gannon of Wilmington and LaClair of Barre
Town

Referred to Committee on

Date:

Subject: Executive; boards and commissions; miscellaneous

Statement of purpose of bill as introduced: This bill proposes to make
miscellaneous amendments regarding the State's boards and commissions in
accordance with recommendations made by the Sunset Advisory Commission.

An act relating to boards and commissions

It is hereby enacted by the General Assembly of the State of Vermont:

* * * Secretary of State Inventory * * *

Sec. 1. 3 V.S.A. § 116a is amended to read:

§ 116a. MAINTENANCE OF INVENTORY OF STATE BOARDS AND
COMMISSIONS

(a)(1) The Secretary of State shall maintain and make available on his or
her official website an inventory of the State boards and commissions, and
shall update that inventory when changes are made that affect the information
provided in the inventory.

1 (2)(A) The inventory shall include the names of the members of each
2 State board and commission, their term length and expiration, and their
3 appointing authority.

4 (B) Each State board and commission shall be responsible for
5 providing to the Secretary of State this inventory information and any updates
6 to it.

7 (b) As used in this section, “State boards and commissions board or
8 commission” means a professional or occupational licensing boards board or
9 commissions commission, advisory boards board or commissions commission,
10 appeals boards board, promotional boards board, interstate boards board,
11 supervisory boards and councils board or council, and or any other boards or
12 commissions of the State similar entity that:

13 (1) is created by State law, by federal law and contains State appointees,
14 or by executive order;

15 (2) is established as or is attached to an Executive Branch entity;

16 (3) has statewide jurisdiction or carries out a State function; and

17 (4) is not composed of members appointed exclusively by regional,

18 county, or municipal entities.

1 Sec. 2. 2018 Sp. Sess. Act and Resolves No. 2, Sec. 15 is amended to read:

2 Sec. 15. EFFECTIVE DATES

3 This act shall take effect on July 1, 2018, except that Sec. 12, 3 V.S.A.
4 § 116a (Secretary of State; maintenance of inventory of State boards and
5 commissions), shall take effect on January 1, ~~2019~~ 2020.

6 * * * Standard Per Diem and Expense Reimbursement * * *

7 Sec. 3. 32 V.S.A. § 1010 is amended to read:

8 § 1010. MEMBERS OF CERTAIN BOARDS

9 (a) Except for those members serving ex officio or otherwise regularly
10 employed by the State, the ~~compensation of the~~ members of the following
11 ~~Boards~~ boards shall be entitled to receive \$50.00 in per diem compensation:

- 12 (1) Board of Bar Examiners
13 (2) Board of Libraries
14 (3) Vermont Milk Commission
15 (4) Board of Education
16 (5) State Board of Health
17 (6) Emergency Board
18 (7) Board of Liquor and Lottery
19 (8) Human Services Board
20 (9) State Fish and Wildlife Board
21 (10) State Board of Mental Health

- 1 (11) Vermont Employment Security Board
- 2 (12) Capitol Complex Commission
- 3 (13) Natural Gas and Oil Resources Board
- 4 (14) Transportation Board
- 5 (15) Vermont Veterans' Home Board of Trustees
- 6 (16) Advisory Council on Historic Preservation
- 7 (17) The Electricians' Licensing Board
- 8 (18) Offender Work Programs Board
- 9 (19) Emergency Personnel Survivors Benefit Review Board
- 10 (20) Community High School of Vermont Board

11 (b)(1) Notwithstanding any other provision of law, members of
12 professional or occupational licensing boards or commissions, advisory boards
13 or commissions, appeals boards, promotional boards, interstate boards,
14 supervisory boards and councils, or any other boards, ~~or~~ or
15 similar entities that are not listed in subsection (a) of this section but are
16 otherwise entitled by act of the General Assembly to receive per diem
17 compensation, shall be entitled to receive per diem compensation in the
18 amount of \$50.00 per day for each day devoted to official duties. This
19 subsection shall not reduce the amount of per diem compensation ~~heretofore~~
20 provided by act of the General Assembly to members of boards or
21 commissions entitled to receive more than \$50.00 per day.

1 (2) “Per diem” means the amount of compensation to which a member
2 of a statutory board or commission is entitled for:

3 ~~(1)(A)~~ attendance at a regular or special meeting of such board or
4 commission or any committee thereof; or

5 ~~(2)(B)~~ performance of other duties directly related to the efficient
6 conduct of necessary board business as assigned and approved by the
7 chairperson, provided that payment for such duties shall be at the per diem rate
8 prorated for actual time spent performing duties. Proration shall be calculated
9 based on an eight-hour day. Under no circumstances shall the daily payment
10 exceed the per diem amount.

11 (c) The members of the boards and ~~departments~~ commissions, including
12 those members serving ex officio or otherwise regularly employed by the
13 State, shall be entitled to receive their actual and necessary expenses when
14 away from home or office upon their official duties.

15 (d) Notwithstanding the provisions of subsections (a) and (b) of this
16 section, a member shall not be entitled to receive State per diem compensation
17 for any meeting or other official duty for which specific compensation is
18 provided by another source.

19 (e) The Governor may authorize per diem compensation and expense
20 reimbursement in accordance with this section for members of boards and

1 commissions, including temporary study commissions, created by Executive
2 Order.

3 (f) Members of the Parole Board shall be entitled to receive \$100.00 per
4 diem for each day of official duties together with reimbursement of reasonable
5 expenses incurred in the performance of their duties.

6 * * * Travel Information Council * * *

7 Sec. 4. 10 V.S.A. § 484 is amended to read:

8 § 484. TRAVEL INFORMATION COUNCIL; CREATION, MEMBERSHIP,
9 TERMS

10 (a) The Travel Information Council is created to administer the provisions
11 of this chapter.

12 (1) The Agency of Transportation shall be responsible for the
13 administration and maintenance of the official business directional sign
14 program, information plazas, and other tourist information facilities deemed
15 appropriate by the Council.

16 (2) The Agency of Commerce and Community Development shall be
17 responsible for the collection and distribution of travel information, as deemed
18 appropriate by the Council.

19 (b)(1) The ~~Travel Information~~ Council may ~~make~~ adopt rules, consistent
20 with this chapter relating to the determination of locations for official business
21 directional signs and to all other matters necessary and appropriate to the

1 administration of this chapter. In ~~making~~ adopting those rules it shall give
2 consideration to the adequacy of information provided by highway directional
3 signs and the preservation of scenic and aesthetic values and shall consult with
4 the Agency of Transportation as to matters of highway safety.

5 (2) It shall determine whether official business directional signs at a
6 particular location shall be displayed in tiers or upon panels.

7 (3) It shall advise the Agency of Commerce and Community
8 Development on policies and matters pertaining to collection and distribution
9 of tourist information.

10 (c)(1) The ~~Travel Information~~ Council shall have seven members,
11 comprising the Secretary of Commerce and Community Development or
12 designee, who shall chair the ~~council~~ Council, and six appointed members as
13 follows: one representing the lodging industry, one the restaurant industry, one
14 the recreation industry, one the Agency of Transportation, one the general
15 public, and one agriculture.

16 (2) The six appointed members shall be appointed by the Governor with
17 the advice and consent of the Senate ~~with the six initially appointed members~~
18 ~~appointed as of the effective date of this chapter, with three initial members~~
19 ~~appointed for one year terms, and three for two year terms. Three appointed in~~
20 two-year staggered terms so that three members shall be are appointed
21 ~~biennially thereafter~~ annually. The members are eligible for reappointment.

1 (3) Members of the Council shall be entitled to per diem compensation
2 and reimbursement of expenses as permitted under 32 V.S.A. § 1010, which
3 shall be paid by the Agency of Transportation.

4 (d)(1) The ~~Travel Information~~ Council shall designate, in each State
5 transportation district, a person to represent business, a person to represent the
6 public, and a person to represent the district planning or development agencies
7 as a committee to act for it in those districts in considering applications for
8 signs and the location thereof.

9 (2) The members of the committee shall serve at the pleasure of the
10 Council, and a majority of a committee shall constitute a quorum for the
11 conduct of any business.

12 (3) A person aggrieved by a decision of a committee may ask for and
13 shall be granted a hearing before the ~~Travel Information~~ Council and may
14 appeal on questions of law to the Superior Court under V.R.C.P. 74 from a
15 decision of the Council.

16 * * * Travel and Recreation Council * * *

17 Sec. 5. 10 V.S.A. § 652 is amended to read:

18 § 652. TRAVEL AND RECREATION COUNCIL; MEMBERSHIP

19 (a) ~~A travel and recreation council~~ The Travel and Recreation Council is
20 created. It shall comprise the following members:

1 (1) the Secretary of Commerce and Community Development; or
2 designee;

3 (2) the Secretary of Natural Resources; or designee;

4 (3) the Secretary of Transportation; or designee;

5 (4) the Secretary of Agriculture, Food and Markets; or designee;

6 (5) the Commissioner of Tourism and Marketing; or designee; and

7 (6) ten members from the private sector appointed by the Governor.

8 (b)(1) The ten members appointed by the Governor shall serve a term of
9 three years, beginning July 1, or the unexpired portion thereof. For the initial
10 appointments, the Governor shall appoint three for one year, four for two
11 years, and three for three years.

12 (2) When appointing members, the Governor shall consider persons who
13 have understanding of the travel and recreation industry and who will
14 adequately represent the various interests in the State.

15 (c) The Council shall elect its chair annually from among its members.

16 (d) The Council shall meet at least quarterly at the call of the ~~chair~~ Chair or
17 the agency secretary.

18 (e) Members of the Council shall be entitled to receive per diem
19 compensation and reimbursement for of expenses in accordance with as
20 permitted under 32 V.S.A. § 1010, which shall be paid by the Agency of
21 Commerce and Community Development.

1 * * * Vermont Community Development Board * * *

2 Sec. 6. 10 V.S.A. § 685 is amended to read:

3 § 685. THE VERMONT COMMUNITY DEVELOPMENT BOARD

4 (a) There ~~shall be~~ is created within the Agency of Commerce and
5 Community Development the Vermont Community Development Board
6 consisting of nine members who shall be residents of the State.

7 (b)(1) The members shall be appointed by the Governor for a term of three
8 years, or for the unexpired portion thereof. For the initial appointments, the
9 Governor shall appoint three for one year, three for two years, and three for
10 three years.

11 (2) In the appointment of the members, consideration shall be given to
12 the selection of such persons as shall adequately represent the interests of
13 various sections of the State and the principal beneficiaries of the program.

14 (c) The Chair shall be appointed annually by the Governor from among the
15 members.

16 (d) Members of the Board shall be ~~compensated at the rate of \$30.00 per~~
17 ~~day for time spent in the performance of their duties, and they shall be~~
18 ~~reimbursed for necessary expenses incurred therein~~ entitled to receive per diem
19 compensation and reimbursement of expenses as permitted under 32 V.S.A.
20 § 1010, which shall be paid by the Agency.

1 (e) No person who receives a significant portion of his or her income
2 directly or indirectly from the community development activities governed by
3 this subchapter shall be a member of the Board.

4 (f) The Agency shall provide staff assistance and administrative support to
5 the Board.

6 (g) Prior to January 15 of each year, the Board shall submit a report of its
7 activities and grants for the preceding year to the Governor and General
8 Assembly.

9 * * * State and Regional Economic Development and Planning Services

10 Oversight Panel * * *

11 Sec. 7. REPEAL

12 2010 Acts and Resolves No. 146, Sec. G.6 (State and Regional Economic
13 Development and Planning Services; Oversight Panel) is repealed.

14 * * * Development Cabinet * * *

15 Sec. 8. 3 V.S.A. § 2293 is amended to read:

16 § 2293. ~~DEVELOPMENT CABINET~~

17 ~~(a) Legislative purpose. The General Assembly deems it prudent to~~
18 ~~establish a permanent and formal mechanism to assure collaboration and~~
19 ~~consultation among State agencies and departments, in order to support and~~
20 ~~encourage Vermont's economic development, while at the same time~~
21 ~~conserving and promoting Vermont's traditional settlement patterns, its~~

1 ~~working and rural landscape, its strong communities, and its healthy~~
2 ~~environment, all in a manner set forth in this section.~~

3 ~~(b) Development Cabinet.~~

4 ~~(1) A Development Cabinet is created, to consist of the Secretaries of the~~
5 ~~Agencies of Administration, of Agriculture, Food and Markets, of Commerce~~
6 ~~and Community Development, of Education, of Natural Resources, and of~~
7 ~~Transportation. The Governor or the Governor's designee shall chair the~~
8 ~~Development Cabinet.~~

9 ~~(2) The Development Cabinet shall advise the Governor on how best to~~
10 ~~implement the purposes of this section, and shall recommend changes as~~
11 ~~appropriate to improve implementation of those purposes.~~

12 ~~(3) The Development Cabinet may establish interagency work groups to~~
13 ~~support its mission, drawing membership from any agency or department of~~
14 ~~State government. Any interagency work groups established under this~~
15 ~~subsection shall evaluate, test the feasibility of, and suggest alternatives to~~
16 ~~economic development proposals, including proposals for public private~~
17 ~~partnerships, submitted to them for consideration. The Development Cabinet~~
18 ~~shall refer to appropriate interagency workgroups any economic development~~
19 ~~proposal that has a significant impact on the inventory or use of State land or~~
20 ~~buildings.~~

1 ~~(e) Implementation. All State agencies that have programs or take actions~~
2 ~~affecting land use, including those identified under 3 V.S.A. chapter 67, shall,~~
3 ~~through or in conjunction with the members of the Development Cabinet:~~

4 ~~(1) Support conservation of working lands and open spaces.~~

5 ~~(2) Strengthen agricultural and forest product economies, and encourage~~
6 ~~the diversification of these industries.~~

7 ~~(3) Develop and implement plans to educate the public by encouraging~~
8 ~~discussion at the local level about the impacts of poorly designed growth, and~~
9 ~~support local efforts to enhance and encourage development and economic~~
10 ~~growth in the State's existing towns and villages.~~

11 ~~(4) Administer tax credits, loans, and grants for water, sewer, housing,~~
12 ~~schools, transportation, and other community or industrial infrastructure, in a~~
13 ~~manner consistent with the purposes of this section.~~

14 ~~(5) To the extent possible, endeavor to make the expenditure of State~~
15 ~~appropriations consistent with the purposes of this section.~~

16 ~~(6) Encourage development in, and work to revitalize, land and buildings~~
17 ~~in existing village and urban centers, including "brownfields," housing stock,~~
18 ~~and vacant or underutilized development zones. Each agency is to set~~
19 ~~meaningful and quantifiable benchmarks.~~

1 ~~(7) Encourage communities to approve settlement patterns based on~~
2 ~~maintaining the State's compact villages, open spaces, working landscapes,~~
3 ~~and rural countryside.~~

4 ~~(8) Encourage relatively intensive residential development close to~~
5 ~~resources such as schools, shops, and community centers and make~~
6 ~~infrastructure investments to support this pattern.~~

7 ~~(9) Support recreational opportunities that build on Vermont's~~
8 ~~outstanding natural resources, and encourage public access for activities such~~
9 ~~as boating, hiking, fishing, skiing, hunting, and snowmobiling. Support and~~
10 ~~work collaboratively to make possible sound development and well-planned~~
11 ~~growth in existing recreational infrastructure.~~

12 ~~(10) Provide means and opportunity for downtown housing for mixed~~
13 ~~social and income groups in each community.~~

14 ~~(11) [Repealed.]~~

15 ~~(12) Encourage timely and efficient processing of permit applications~~
16 ~~affecting land use, including 10 V.S.A. chapter 151 and the subdivision~~
17 ~~regulations adopted under 18 V.S.A. § 1218, in order to encourage the~~
18 ~~development of affordable housing and small business expansion, while~~
19 ~~protecting Vermont's natural resources.~~

20 ~~(13) Participate in creating a long-term economic development plan,~~
21 ~~including making available the members of any agency or department of State~~

1 ~~government as necessary and appropriate to support the mission of an~~
2 ~~interagency work group established under subsection (b) of this section.~~

3 ~~(d) Interagency work group.~~

4 ~~(1) Pursuant to the recommendations of the Oversight Panel on~~
5 ~~Economic Development created in 2010 Acts and Resolves No. 146, Sec. G6,~~
6 ~~the Development Cabinet shall create an interagency work group as provided~~
7 ~~in subsection (b) of this section with the Secretary of Commerce and~~
8 ~~Community Development serving as its chair.~~

9 ~~(2) The mission of the work group shall be to develop a long term~~
10 ~~economic development plan for the State, which shall identify goals and~~
11 ~~recommend actions to be taken over 10 years, and which shall be consistent~~
12 ~~with the four principles of economic development identified in 10 V.S.A. § 3~~
13 ~~and the relevant population level outcomes for economic development set forth~~
14 ~~in 3 V.S.A. § 2311.~~

15 ~~(e) Long term economic development plan.~~

16 ~~(1) On or before January 15, 2014, and every two years thereafter, the~~
17 ~~Development Cabinet or its work group shall complete a long term economic~~
18 ~~development plan as required under subsection (d) of this section and~~
19 ~~recommend it to the Governor.~~

20 ~~(2) Commencing with the plan due on or before January 15, 2016, the~~
21 ~~Development Cabinet or its work group may elect only to prepare and~~

1 recommend to the Governor an update of the long-term economic development
2 plan.

3 (3) Administrative support for the economic development planning
4 efforts of the Development Cabinet or its work group shall be provided by the
5 Agency of Commerce and Community Development.

6 (f) Limitations. This Cabinet is strictly an information gathering and
7 coordinating cabinet and confers no additional enforcement powers.

8 [Repealed.]

9 * * * Commission on International Trade and State Sovereignty * * *

10 Sec. 9. 3 V.S.A. § 23 is amended to read:

11 § 23. ~~THE COMMISSION ON INTERNATIONAL TRADE~~

12 (a) Definitions. For the purposes of this section: “International Trade
13 Agreement” means a trade agreement between the federal government and a
14 foreign country. International Trade Agreement does not include a trade
15 agreement between the State and a foreign country to which the federal
16 government is not a party.

17 (b) Membership. There is created a Commission on International Trade and
18 State Sovereignty consisting of:

19 (1) the Chair of the House Committee on Commerce or his or her
20 designee;

1 ~~(2) the Chair of the Senate Committee on Economic Development,~~
2 ~~Housing and General Affairs or his or her designee;~~

3 ~~(3) a representative of a nonprofit environmental organization, appointed~~
4 ~~by the Governor from a list provided by the Vermont Natural Resources~~
5 ~~Council;~~

6 ~~(4) a representative of organized labor, appointed by the Governor from~~
7 ~~a list provided by Vermont AFL-CIO, Vermont NEA, and the Vermont State~~
8 ~~Employees' Association;~~

9 ~~(5) the Secretary of Commerce and Community Development or his or~~
10 ~~her designee;~~

11 ~~(6) the Attorney General or his or her designee;~~

12 ~~(7) a representative of an exporting Vermont business, appointed by the~~
13 ~~Governor;~~

14 ~~(8) a representative of a Vermont business actively involved in~~
15 ~~international trade, appointed by the Governor;~~

16 ~~(9) the Secretary of Agriculture, Food and Markets or his or her~~
17 ~~designee; and~~

18 ~~(10) a representative of a Vermont chamber of commerce, appointed by~~
19 ~~the Governor.~~

1 ~~(c) Powers and duties.~~

2 ~~(1) The Commission shall conduct an annual assessment of the legal and~~
3 ~~economic impacts of International Trade Agreements on State and local laws,~~
4 ~~State sovereignty, and the business environment.~~

5 ~~(2) It shall provide a mechanism for citizens and legislators to voice their~~
6 ~~concerns, which it shall use to make policy recommendations to the General~~
7 ~~Assembly, to the Governor, to Vermont's congressional delegation, or to the~~
8 ~~trade representatives of the United States government. Recommendations shall~~
9 ~~be designed to protect Vermont's job and business environment, and State~~
10 ~~sovereignty from any negative impacts of trade agreements.~~

11 ~~(3) It may recommend legislation or preferred practices and shall work~~
12 ~~with interested groups in other states to develop means to resolve the~~
13 ~~conflicting goals and tension inherent in the relationship between international~~
14 ~~trade and State sovereignty.~~

15 ~~(4) As provided for in 9 V.S.A. chapter 111A, the Commission shall~~
16 ~~consider and develop formal recommendations with respect to how the State~~
17 ~~should best respond to challenges and opportunities posed by a particular~~
18 ~~International Agreement.~~

19 ~~(d) Reporting. The Commission shall submit an annual report, which shall~~
20 ~~be prepared by the Secretary of Commerce and Community Development, to~~
21 ~~the House Committee on Commerce and Economic Development, the Senate~~

1 ~~Committee on Economic Development, Housing and General Affairs, the~~
2 ~~Governor, and Vermont's congressional delegation. The report shall contain~~
3 ~~information acquired pursuant to activities carried out under subsection (c) of~~
4 ~~this section. The provisions of 2 V.S.A. § 20(d) (expiration of required reports)~~
5 ~~shall not apply to the report to be made under this subsection.~~

6 ~~(e) Staff services. The Commission shall be entitled to staff services of the~~
7 ~~Agency of Commerce and Community Development, the Legislative Council,~~
8 ~~and the Joint Fiscal Committee.~~

9 ~~(f) Per diem. For attendance at a meeting when the General Assembly is not~~
10 ~~in session, legislative members of the Commission shall be entitled to the same~~
11 ~~per diem compensation and reimbursement for actual and necessary expenses~~
12 ~~as provided members of Standing Committees under 2 V.S.A. § 406. Except~~
13 ~~for members employed by the State, members of the Commission shall be~~
14 ~~entitled to the same per diem compensation as provided under 32 V.S.A. §~~
15 ~~1010(a) and mileage reimbursement as provided under 32 V.S.A. § 1267.~~

16 [Repealed.]

17 * * * Film and New Media Advisory Board * * *

18 Sec. 10. 3 V.S.A. § 2471d is amended to read:

19 § 2471d. ~~VERMONT FILM AND NEW MEDIA ADVISORY BOARD~~

20 ~~The Secretary of Commerce and Community Development shall appoint a~~
21 ~~Film and New Media Advisory Board to make recommendations to the~~

1 ~~Secretary on promoting Vermont as a location for commercial film and~~
2 ~~television production and facilitating the participation of local individuals and~~
3 ~~companies in such productions. The primary function of the Advisory Board is~~
4 ~~to recommend to the Secretary strategies to link Vermonters employed in the~~
5 ~~film and new media, video, or other creative arts, to economic opportunities in~~
6 ~~their trades in Vermont. [Repealed.]~~

7 * * * Vermont Rehabilitation Corporation * * *

8 Sec. 11. 10 V.S.A. chapter 12, subchapter 6 is amended to read:

9 Subchapter 6. Family Farm Assistance

10 § 271. PURPOSES

11 ~~It is the intention of the General Assembly in enacting this subchapter to~~
12 ~~provide a limited source of loan funds to family farmers or prospective family~~
13 ~~farmers under terms and conditions that will reduce their investment costs to~~
14 ~~an extent that offers them a reasonable chance to succeed. [Repealed.]~~

15 § 272. DEFINITIONS

16 ~~As used in this subchapter:~~

17 (1) ~~“Authority” means the Vermont Economic Development Authority.~~

18 (2) ~~“Family farmer” means a person who is a resident of this State and~~
19 ~~who is, or will become, engaged in farming on his or her own behalf managing~~
20 ~~and operating the farm on a full-time basis and whose net worth (including his~~
21 ~~or her dependents and spouse) does not exceed \$150,000.00.~~

1 ~~(3) “Farming” shall mean the cultivation of land or other uses of land for~~
2 ~~the production of food, fiber, horticultural, orchard, or forest crops, or the~~
3 ~~raising of livestock, poultry, equines, fish, or bees. Farming also includes the~~
4 ~~storage, preparation, retail sale, and transportation of agricultural commodities~~
5 ~~accessory to the cultivation or use of such land.~~

6 ~~(4) “Vermont Rehabilitation Corporation” means the nonprofit quasi-~~
7 ~~public corporation for which articles of association have been filed with the~~
8 ~~Secretary of State on April 26, 1935. [Repealed.]~~

9 § 273. FARMERS LOAN PROGRAM; ELIGIBILITY; APPLICATION

10 ~~(a) The Vermont Rehabilitation Corporation shall establish a family farm~~
11 ~~assistance loan program to: strengthen existing farms, encourage~~
12 ~~diversification and innovative farming techniques, increase energy efficiency~~
13 ~~and reduce energy consumption, and assist beginning farmers to start new~~
14 ~~farms, provided that beginning farmers will not produce commodities that are~~
15 ~~already in surplus.~~

16 ~~(b) In order to be eligible an applicant shall be:~~

17 ~~(1) a family farmer who is a resident of this State;~~

18 ~~(2) an owner or prospective purchaser of agricultural land in the State or~~
19 ~~depreciable farm machinery, equipment, or livestock to be used in the State;~~

20 ~~(3) a person of sufficient education, training, or experience in the type of~~
21 ~~farming for which the applicant requests the loan;~~

1 ~~(4) an operator or proposed operator of a farm for whom the loan reduces~~
2 ~~investment costs to an extent that offers him or her a reasonable chance to~~
3 ~~succeed;~~

4 ~~(5) a credit worthy person under such standards as the Vermont~~
5 ~~Rehabilitation Corporation may, in its discretion, establish; and~~

6 ~~(6) in compliance with the requirements of subdivisions 262(2) through~~
7 ~~(4) and subdivisions (6) through (10) of this title. For purposes of this~~
8 ~~subchapter, the terms “eligible facility” and “facility” as used in section 262~~
9 ~~shall be defined to include all farming operations.~~

10 ~~(c) Applicants for the family farmer assistance loan program under this~~
11 ~~subchapter shall apply to the Vermont Rehabilitation Corporation, which shall~~
12 ~~review proposed farm projects, and the applicant’s qualifications and grant~~
13 ~~loans under the provisions of this subchapter, subject to such reasonable terms~~
14 ~~and conditions as the Vermont Rehabilitation Corporation deems appropriate.~~

15 ~~(d) Any person who obtains a loan under this subchapter shall not be~~
16 ~~eligible for loan assistance under subchapter 5 of this chapter during the period~~
17 ~~in which the subchapter 6 loan is outstanding.~~

18 ~~(e) All meetings of the Vermont Rehabilitation Corporation board of~~
19 ~~directors that concern the family farm assistance program shall be subject to 1~~
20 ~~V.S.A. chapter 5, subchapter 5. [Repealed.]~~

1 § 274. ~~LOAN TERMS AND CONDITIONS~~

2 ~~(a) Within the limits of funds available, the Vermont Rehabilitation~~
3 ~~Corporation may make loans to eligible applicants upon such terms and~~
4 ~~conditions as may reasonably be expected to be fulfilled by the applicant. In no~~
5 ~~event shall the total principal obligation of all Vermont Economic~~
6 ~~Development authority loans granted under this subchapter to any family~~
7 ~~farmer exceed \$50,000.00.~~

8 ~~(b) The Vermont Rehabilitation Corporation shall require the farmer to~~
9 ~~execute a note, loan agreement, security agreement, mortgage, or other~~
10 ~~evidence of indebtedness in favor of the Authority sufficient to protect~~
11 ~~reasonably the security of the mortgage or secured loan. All payments shall be~~
12 ~~made to the Authority for the use of section 234 of this title. The Vermont~~
13 ~~Economic Development Authority shall service all loans made by the Vermont~~
14 ~~Rehabilitation Corporation under this subchapter. In the event of default by a~~
15 ~~loan recipient under this subchapter, the Authority shall consult with the~~
16 ~~Vermont Rehabilitation Corporation prior to commencing any collection or~~
17 ~~foreclosure action. [Repealed.]~~

18 § 275. ~~FUNDING~~

19 ~~In fiscal year 1986, the Vermont Rehabilitation Corporation, in its~~
20 ~~discretion, may loan up to \$400,000.00 of the Vermont Jobs Fund established~~
21 ~~by section 234 of this title for the purposes of this subchapter. Depending on~~

1 ~~its assessment of the progress of the family farm assistance program, the~~
2 ~~General Assembly may adjust the loan limits from those established for fiscal~~
3 ~~year 1986 and may establish appropriate loan limits in fiscal years 1987 and~~
4 ~~1988. [Repealed.]~~

5 ~~§ 277. PERSONNEL AND ADMINISTRATIVE SUPPORT~~

6 ~~(a) The Secretary of Agriculture, Food and Markets, with the consent of the~~
7 ~~Vermont Rehabilitation Corporation, may use a portion of the funds provided~~
8 ~~under section 275 of this title, not to exceed \$20,000.00 in any fiscal year, to~~
9 ~~contract for assistance in reviewing loan applications, making~~
10 ~~recommendations to the board, reviewing compliance with loan conditions,~~
11 ~~and carrying out such other activities as the Secretary of Agriculture, Food and~~
12 ~~Markets may direct.~~

13 ~~(b) The Secretary of Agriculture, Food and Markets may provide the~~
14 ~~Vermont Rehabilitation Corporation with additional personnel and other~~
15 ~~support as he or she deems necessary to carry out the purposes of this~~
16 ~~subchapter. [Repealed.]~~

17 * * * State Natural Resources Conservation Council

18 Board of Adjustment * * *

19 Sec. 12. 10 V.S.A. chapter 31, subchapter 1 is amended to read:

20 Subchapter 1. Conservation, Development, and Use of Natural Resources

21 * * *

1 § 731. FAILURE TO OBSERVE LAND-USE ORDINANCE;

2 CONFERENCES

3 (a) In the event that the supervisors of a district find that the provisions of a
4 land-use ordinance adopted according to the provisions of this chapter are not
5 being observed on particular lands, and that such nonobservance tends
6 substantially to increase erosion on such lands and substantially interferes with
7 the prevention or control of erosion or conservation of natural resources on
8 other lands within the district, the supervisors may summon the owner of the
9 land to appear before them to discuss the failure of the owner to observe the
10 regulations, and to perform particular work, operations, or avoidances as
11 required by ordinance of the district, when the nonobservance tends
12 substantially to increase erosion on the lands and substantially interferes with
13 the prevention or control of erosion or conservation of natural resources on
14 other lands within the district.

15 (b) By conference thus convoked, the supervisors and the owner of land not
16 observing the ordinance adopted by the district, shall together make and sign a
17 finding as to the issues ~~which~~ that are involved in the failure of the owner to
18 observe the ordinance of the district.

19 (c)(1) Upon the basis of such findings and if, after conference, it appears to
20 the supervisors that there are great practical difficulties or unnecessary
21 hardship involved in the full observance of the ordinance of the district, the

1 ~~supervisor~~ supervisors shall endeavor to work out a program with the owner, as
2 shall be acceptable to the owner and shall enable the owner to comply with the
3 ordinance.

4 (2)(A) Alternatively, upon the basis of their findings, the supervisors
5 may authorize such variance from the ordinances in their application to the
6 lands of the owner who has not complied with the ordinance of the district,
7 when such variance will relieve practical difficulties or unnecessary hardship
8 to that owner and when such variance is not contrary to public interest and is in
9 accordance with the purpose of land use regulations.

10 (B) The supervisors may request the landowner not complying with
11 an ordinance to sign a stipulation setting forth the conditions agreed upon by
12 the landowner and supervisors so that the practical difficulties or unnecessary
13 hardship may be overcome and the work proceed by the consent of such
14 landowner upon the land.

15 (d) Nothing in this chapter shall be construed so as to make ineffective any
16 remedies available under the laws of the State.

17 § 732. ~~NONCOMPLIANCE; REFERENCE TO BOARD OF~~

18 ~~ADJUSTMENT; COMPOSITION OF BOARD; TERMS,~~

19 ~~COMPENSATION, CONDUCT~~

20 ~~(a) When by conference the supervisors and the landowner not complying~~
21 ~~with the ordinances of the district are unable to agree on the conditions under~~

1 ~~which compliance may be effected, the supervisors shall refer the matter to a~~
2 ~~board of adjustment which shall be appointed by the State Council upon~~
3 ~~request of the supervisors.~~

4 ~~(b) The board of adjustment shall consist of three members appointed for a~~
5 ~~term of one year. The board shall elect its own chair. Vacancies in the board of~~
6 ~~adjustment shall be filled in the same manner as original appointments. The~~
7 ~~members of the board shall receive compensation for their services at a rate not~~
8 ~~to exceed the per diem rate as defined by 32 V.S.A. § 1010(b) in addition to~~
9 ~~expenses incurred in the discharge of their duties. The State Council shall pay~~
10 ~~the necessary administrative and other expenses of operation incurred by the~~
11 ~~board upon vouchers signed by the chair of the board. The board shall adopt~~
12 ~~rules to govern its procedure, which rules shall be in accordance with the~~
13 ~~provisions of this chapter and with the provisions of any recommendations~~
14 ~~made by the State Council. Any two members of the board shall constitute a~~
15 ~~quorum. The chair, or in the chair's absence such other member of the board as~~
16 ~~the chair may designate to serve as acting chair, may administer oaths and~~
17 ~~compel the attendance of witnesses. All meetings of the board shall be open to~~
18 ~~the public. The board shall keep an accurate record of its proceedings, and~~
19 ~~shall file all documents and memoranda of proceedings with the state council,~~
20 ~~when each grievance has been adjusted. [Repealed.]~~

1 § 733. ~~POWERS OF BOARD~~

2 ~~Upon the basis of such inquiry as it deems it necessary to conduct, and upon~~
3 ~~the basis of findings resulting therefrom, the board of adjustment shall have~~
4 ~~authority by order to authorize such variance from the ordinances in their~~
5 ~~application to the lands of the owner who has not complied with the ordinance~~
6 ~~of the district, when such variance will relieve practical difficulties or~~
7 ~~unnecessary hardship to such owner and when such variance is not contrary to~~
8 ~~public interest and is in accordance with the purpose of land use regulations.~~
9 ~~The board of adjustment may request the landowner not complying with an~~
10 ~~ordinance to sign a stipulation setting forth the conditions agreed upon by the~~
11 ~~landowner and supervisors so that the practical difficulties or unnecessary~~
12 ~~hardship may be overcome and work proceed by the consent of such~~
13 ~~landowner upon his land. However, nothing in this chapter shall be construed~~
14 ~~so as to make ineffective any remedies available under the laws of the state.~~

15 [Repealed.]

16 § 734. SUPERVISORS MAY PETITION SUPERIOR COURT, ~~WHEN~~

17 If a landowner does not sign such stipulation, the supervisors may petition
18 the Superior Court to require such landowner to bring his or her land into
19 conformity with the ordinance, and the ~~Court~~ court shall order such relief as it
20 may deem necessary in the interest of public health, safety, and welfare.

21 However, no landowner shall by ordinance or otherwise be required to pay any

1 money or perform any act that shall not be for the protection of his or her own
2 land nor shall he or she be required to pay any money, perform any act, or
3 carry out any practice that shall not be in just proportion to the benefits that he
4 or she will receive and further provided that he or she shall not be required to
5 pay any money, perform any act, or carry out any practice that shall not be
6 deemed to be necessary for the public good.

7 * * *

8 * * * Pesticide Advisory Council * * *

9 Sec. 13. 6 V.S.A. § 1102 is amended to read:

10 § 1102. PESTICIDE ADVISORY COUNCIL ESTABLISHED

11 * * *

12 (d) The functions of the Council are:

13 * * *

14 (6) To recommend targets with respect to the State goal of achieving an
15 overall reduction in the use of pesticides consistent with sound pest or
16 vegetative management practices and to ~~issue an annual report to the General~~
17 ~~Assembly, detailing~~ measure the State's progress in reaching those targets and
18 attaining that goal. The targets should be designed to enable evaluation of
19 multiple measures of pesticide usage, use patterns, and associated risks.

20 Targets should take into consideration at a minimum the following:

21 (A) reducing the amount of acreage where pesticides are used;

1 (B) reducing the risks associated with the use of pesticides;

2 (C) increasing the acreage managed by means of integrated pest
3 management techniques;

4 (D) decreasing, within each level of comparable risk, the quantity of
5 pesticides applied per acre; and

6 (E) making recommendations regarding the implementation of other
7 management practices that result in decreased pesticide use.

8 * * *

9 * * * Vermont Milk Commission * * *

10 Sec. 14. 6 V.S.A. § 2937 is amended to read:

11 § 2937. ~~ANNUAL~~ PERIODIC REPORT

12 The Commission ~~shall~~ may report ~~annually~~ as needed on its activities to the
13 House and Senate Committees on Agriculture ~~on or before January 15,~~
14 ~~beginning in 2009.~~

15 * * * Sustainable Agriculture Council * * *

16 Sec. 15. 6 V.S.A. § 4701 is amended to read:

17 § 4701. SUSTAINABLE AGRICULTURE RESEARCH AND EDUCATION
18 PROGRAM

19 (a) The purpose of this section is to promote research and education that
20 will encourage the development and use of economically and ecologically
21 sound sustainable agriculture practices such as organic methods, biological

1 control, integrated pest management, soil improvement, cultivation, harvesting
2 and irrigation techniques, and transportation and marketing innovations,
3 through:

4 (1) ~~The~~ the control of pests and diseases of agricultural importance
5 through alternatives that reduce or eliminate the use of pesticides and
6 petrochemicals;

7 (2) ~~The~~ the production, processing, and distribution of food and fiber in
8 ways that consider the interactions among soils, plants, water, air, animals,
9 tillage, machinery, labor, energy, and transportation to enhance the viability of
10 agricultural soils, public health, and resource conservation;

11 (3) ~~The~~ the expansion of marketing opportunities and promotion of
12 products produced through the practice of sustainable agriculture ~~which~~ that
13 will encourage the purchase of Vermont grown foods and promote regional
14 food security; and

15 (4) ~~The~~ the coordination of research and education activities on
16 sustainable agriculture among private and public agencies and individuals
17 within Vermont.

18 (b) ~~A Sustainable Agriculture Council is established, to be chaired by the~~
19 ~~Secretary of Agriculture, Food and Markets. The Council shall include the~~
20 ~~Secretary of Education and representatives, appointed by the Secretary of~~
21 ~~Agriculture, Food and Markets, of the College of Agriculture at the University~~

1 of Vermont, University of Vermont Extension, Vermont Technical College and
2 farm organizations, and a representative of the low input sustainable
3 agriculture program of the U.S. Department of Agriculture. The Council shall
4 meet on call of the Secretary and shall make recommendations regarding:

5 (1) Goals and priorities for ongoing public and private research of
6 particular relevance to Vermont agriculture, and for the coordination of
7 research and demonstration projects on sustainable agriculture.

8 (2) The dissemination of research results, the identification of future
9 research needs and other useful information on sustainable agriculture.

10 (3) The use of State owned lands, participating farmer managed land,
11 and land owned by the University of Vermont and State Colleges System for
12 continuing research on sustainable agriculture practices.

13 (4) Techniques for financing the integration of sustainable agriculture
14 practices into farming operations.

15 (5) The teaching of sustainable agriculture practices in schools at the
16 elementary, secondary, and postsecondary levels. [Repealed.]

17 (c) The Secretary of Agriculture, Food and Markets is authorized to apply
18 for, accept, and make use of grants from public and private sources to achieve
19 the objectives of this section, in accordance with the provisions of
20 32 V.S.A. § 5. In awarding grants, preference shall be given to individuals,
21 especially farmers, conducting on-farm research.

1 (d) ~~By January 15, annually, the Council shall prepare a report for~~
2 ~~distribution to participating organizations and the public summarizing~~
3 ~~developments in sustainable agriculture in Vermont and nationally. The report~~
4 ~~shall also make recommendations for future activities that will promote the~~
5 ~~objectives of this section. [Repealed.]~~

6 * * * Transportation Alternatives Grant Committee * * *

7 Sec. 16. 19 V.S.A. § 38 is amended to read:

8 § 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

9 (a) ~~The Transportation Alternatives Grant Committee is created and shall~~
10 ~~comprise:~~

11 (1) ~~the Secretary of Transportation or his or her designee;~~

12 (2) ~~a representative from the Division of Historic Preservation appointed~~
13 ~~by the Secretary of Commerce and Community Development;~~

14 (3) ~~one member appointed by the Secretary of Commerce and~~
15 ~~Community Development to represent the tourism and marketing industry;~~

16 (4) ~~a representative of the Agency of Natural Resources appointed by the~~
17 ~~Secretary of Natural Resources;~~

18 (5) ~~three municipal representatives appointed by the governing body of~~
19 ~~the Vermont League of Cities and Towns;~~

20 (6) ~~one member representing and appointed by the governing board of~~
21 ~~the Vermont Association of Planning and Development Agencies;~~

1 ~~(7) two members from the House designated by the Speaker; and~~

2 ~~(8) two members from the Senate designated by the Committee on~~

3 ~~Committees. [Repealed.]~~

4 ~~(b) Municipal and legislative members of the Transportation Alternatives~~
5 ~~Grant Committee shall serve concurrently for two year terms and the initial~~
6 ~~appointments of these members shall be made in a manner which allows for~~
7 ~~them to serve a full legislative biennium. In the event a municipal or legislative~~
8 ~~member ceases to serve on the Committee prior to the full term, the appointing~~
9 ~~authority shall fill the position for the remainder of the term. The Committee~~
10 ~~shall, to the greatest extent practicable, encompass a broad geographic~~
11 ~~representation of Vermont. [Repealed.]~~

12 (c) The Transportation Alternatives Grant Program is created. The Grant
13 Program shall be administered by the Agency, and shall be funded in the
14 amount provided for in 23 U.S.C. § 133(h), less the funds set aside for the
15 Recreational Trails Program. Awards shall be made to eligible entities as
16 defined under 23 U.S.C. § 133(h), and awards under the Grant Program shall
17 be limited to the activities authorized under federal law.

18 (d) Eligible entities awarded a grant must provide all funds required to
19 match federal funds awarded for a Transportation Alternatives project. All
20 grant awards shall be decided and awarded by the ~~Transportation Alternatives~~
21 ~~Grant Committee~~ Agency.

1 (e) Transportation Alternatives grant awards shall be announced annually
2 by the ~~Transportation Alternatives Grant Committee~~ Agency not earlier than
3 December and not later than the following March.

4 (f)(1) In fiscal years 2018 and 2019, all Grant Program funds shall be
5 reserved for municipalities for environmental mitigation projects relating to
6 stormwater and highways, including eligible salt and sand shed projects.

7 (2) In fiscal years 2020 and 2021, Grant Program funds shall be awarded
8 for any eligible activity and in accordance with the priorities established in
9 subdivision (4) of this subsection.

10 (3) In fiscal year 2022 and thereafter, \$1,100,000.00 of Grant Program
11 funds, or such lesser sum if all eligible applications amount to less than
12 \$1,100,000.00, shall be reserved for municipalities for environmental
13 mitigation projects relating to stormwater and highways, including eligible salt
14 and sand shed projects.

15 (4) Regarding Grant Program funds awarded in fiscal years 2020 and
16 2021, and the balance of Grant Program funds not reserved for environmental
17 mitigation projects in fiscal year 2022 and thereafter, in evaluating applications
18 for Transportation Alternatives grants, the ~~Transportation Alternatives Grant~~
19 ~~Committee~~ Agency shall give preferential weighting to projects involving as a
20 primary feature a bicycle or pedestrian facility. The degree of preferential
21 weighting and the circumstantial factors sufficient to overcome the weighting

1 shall be in the complete discretion of the ~~Transportation Alternatives Grant~~
2 ~~Committee~~ Agency.

3 (g) The Agency shall develop an outreach and marketing effort designed to
4 provide information to communities with respect to the benefits of
5 participating in the Transportation Alternatives Grant Program. The outreach
6 and marketing activities shall include apprising municipalities of the
7 availability of grants for salt and sand sheds. The outreach effort should be
8 directed to areas of the State historically underserved by this Program.

9 * * * Vermont Transportation Authority * * *

10 Sec. 17. REPEAL

11 29 V.S.A. chapter 16 (Vermont Transportation Authority) is repealed.

12 * * * Capitol Complex Commission * * *

13 Sec. 18. 29 V.S.A. § 182 is amended to read:

14 § 182. DEFINITIONS

15 As used in this chapter:

16 * * *

17 (2) "~~Capitol complex commission~~ Complex Commission" means a
18 commission consisting of ~~five~~ seven members.

19 (A) Four members shall be appointed by the ~~governor~~ Governor, with
20 the advice and consent of the ~~senate~~ Senate, for a term of three years. One
21 member shall be appointed by the Speaker of the House, and one member shall

1 be appointed by the Senate Committee on Committees, each for a term of two
2 years. The ~~fifth~~ seventh member shall be appointed by the Montpelier ~~city~~
3 ~~council~~ City Council for a term of two years.

4 (B) The ~~chair~~ Chair of the ~~capitol complex commission~~ Capitol
5 Complex Commission shall be designated by the ~~governor~~ Governor.

6 (C) ~~No~~ Not more than two members of the ~~commission~~ Commission
7 shall be residents of the ~~city~~ City of Montpelier, and ~~no~~ a member ~~may~~ shall
8 not be an exempt employee of the ~~state~~ State of Vermont or a State legislator.

9 (D) The ~~commissioner of buildings and general services~~
10 Commissioner of Buildings and General Services shall be the executive
11 secretary of the ~~board~~ Commission and shall have no vote.

12 * * *

13 * * * Effective Date * * *

14 Sec. 19. EFFECTIVE DATE

15 This act shall take effect on July 1, 2019.